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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/457,021	12/07/1999	JACK B. HOLLINS	M-8138-US	7210

7590 11/05/2003  
LSI LOGIC CORPORATION  
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MILPITAS, CA 95035

EXAMINER

JAIN, RAJ K

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 11/05/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/457,021

Applicant(s)

HOLLINS, JACK B.

Examiner

Raj Jain

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-5, and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5 and 12-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. Claims 4 & 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claims recite “a first portion”, it is not clear from the specification and/or drawings what constitutes “a first portion”, and clarification and/or rewording of the claim are required.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 5, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takamoto et al (US Pat 6,449,631) in view of Sutton (US005872823A).

Regarding claims 1, 12 and 13, Takamoto discloses a method of preparing data for transmission, the method comprising:

transmitting a first signal requesting to transmit data; generating a first packet (**fig 2 & 4**) from data of a first source (401) prior to receiving a second signal granting the permission to transmit data (**abstract; col 8 L4-20; claim 1**);

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Takamoto does not disclose the changing of data source from one source to another source.

Sutton discloses the changing of data source from one source to another source, **(abstract; fig 1)**,

transmitting a third signal requesting a change of data source from the first source to a second source subsequent to said generating of said first packet, wherein said transmitting the third signal occurs if the data of the first source is incomplete (**col 8 L15-56**); and

generating a second data packet from data of the second source (**fig 2; claim 6**).

With respect to claim 12, Sutton further discloses the use of a transmit clock signals (col 3-4). The changing of data sources provides a continuous supply of data without break in service and maintains buffer control by preventing overflow and underflow amongst different sources. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a data switching apparatus as taught by Sutton within Takamoto so as to maintain a continuous supply of data transmission between transmitter and receiver during periods of inactivity from one source and/or bad data from a given source and therefore requiring retransmission which would otherwise provide delay in the network.

Regarding claim 3, Sutton discloses transmitting the third signal occurs if a time stamp included in the data of the first source is later than the time of receiving the second signal **(abstract; cols 3-4)**.

Regarding claim 4, Takamoto discloses discarding of data packets as part of packet transmitting program (2404) (**Fig 8 & 9 col 8 L65-col 9 L43**).

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Regarding claim 5, Sutton discloses transmitting of the third signal occurs after said receiving of said second signal (col 8 L15-56).

Regarding claim 14, Takamto discloses a link controller generating a second packet when the second signal is active (fig 4, 402 and 403).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 3-5, and 12-14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raj Jain whose telephone number is 703-305-5652. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 703-305-4366. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

RJ  
October 27, 2003

  
WELLINGTON CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600